

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

PATRICK LEMUEL BASS, )  
 )  
Petitioner, )  
 )  
v. ) CIVIL ACTION NO. 3:07cv887-WHA  
 )  
UNITED STATES OF AMERICA, )  
 )  
Respondent. )

**ORDER**

In June, 2006, Petitioner, Patrick Lemuel Bass (“Bass”), pled guilty to a charge of felon in possession of a firearm. On October 12, 2006 he was sentenced. In a 28 U.S.C. § 2255 motion filed on October 3, 2007 (Doc. # 1), Bass claims that his counsel was ineffective in failing to object to an allegedly unconstitutional sentence enhancement at sentencing or on direct appeal. After considering the submissions pertinent to this issue, the Magistrate Judge has determined, pursuant to *Rule 8, Rules Governing Section 2255 Proceedings for the United States District Court*, that an evidentiary hearing is required for resolution of this ineffectiveness of trial counsel issue. Accordingly, it is

ORDERED as follows:

1. Pursuant to Rule 8(c), the court finds Bass eligible for the appointment of counsel under the Criminal Justice Act, 18 U.S.C. § 3006A, and accordingly appoints Richard Keith, a CJA panel attorney, to represent him on the sole claim set for evidentiary hearing.
2. Appointed counsel shall promptly file a notice of appearance for this limited

purpose appointment and proceed to confer with Bass, and otherwise undertake an appropriate investigation, concerning this claim.

3. An evidentiary hearing is scheduled for 10:00 a.m. on June 17, 2008 in courtroom 5-B, Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.
4. Petitioner shall be brought to this district not less than a week in advance of the scheduled hearing in order to facilitate communication with appointed counsel, Richard Keith, in preparation for the hearing.
5. Counsel shall exchange, and file with the court, lists of witnesses and exhibits not later than June 9, 2008. All exhibits shall be pre-marked using the same numbers indicated on the exhibit lists, and each party shall deliver to the courtroom deputy prior to commencement of the hearing the original, pre-marked exhibits along with a copy of the exhibits for use by the court.
6. The Clerk is DIRECTED to serve this order upon the appointed CJA panel attorney and to make the case file available as reasonably requested.

DONE, this 24<sup>th</sup> day of April, 2008.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE